

REPORT - PLANNING COMMISSION MEETING
April 8, 2004

Project Name and Number: Duong Sunrooms (PLN2004-00160)

Applicant: Thanh Hoang

Proposal: To consider a Planned District Minor Amendment for the addition of a 210-square foot patio enclosure and a second 279-square foot patio enclosure. With the additions the home will be 4,320-square feet in size.

Recommended Action: Approve subject to conditions.

Location: 3402 Malibu Terrace, on the SE corner of the intersection with Avalon Heights Terrace, in the Warm Springs Planning Area.

Assessor Parcel Number(s): 519-1714-019-00

Area: 26,201 square feet (0.6 acres)

Owner: Tam Thi Duong

Consultant(s): Solarium Construction

Environmental Review: A categorical exemption for this project is proposed pursuant to Section 15301(e)(1) of the California Environmental Quality Act (CEQA) Guidelines.

Existing General Plan: Hill Open Space

Existing Zoning: P-90-9

Existing Land Use: The lot is improved with an existing single-family dwelling and pool.

Public Hearing Notice: A total of 20 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Malibu Terrace, Morning View Terrace, Avalon Heights Terrace, and Liberty Street in Fremont, and several outside of the City. Also, one courtesy notice was sent the proponents of Measure T, the Hillside Initiative of 2002. The notices to owners and occupants were mailed on March 26, 2004. A Public Hearing Notice was delivered to The Argus on March 22, 2004 to be published by March 25, 2004.

Executive Summary: The applicant proposes a minor amendment to the Precise Site Plan by constructing two attached sunroom additions to the dwelling at opposite ends in rear yard portion of the lot, totaling 210 and 279 square feet, respectively.

Background and Previous Actions: On April 11, 1991, the City Council approved P-90-9 and GP-90-7, EIR-90-31, and DA-90-1 for the Avalon Heights residential development project of which the subject site is a part. Tract Map No. 6445 that created the lots on Malibu Terrace was recorded in June 1992.

Project Description: The proposed sunroom additions of 210 and 279 square feet are proposed to be attached to the rear of the residence and will result in a single-family dwelling of 4,320 square feet.

PROJECT ANALYSIS:

General Plan Conformance: The existing General Plan land use designation for the project site is Open Space. The proposed project is consistent with the existing General Plan land use designation for the project site because it conforms to the following General Plan Goals, Objectives and Policies which are applicable to the proposed project:

Housing Element Goal 1: Conservation and enhancement of existing residential neighborhoods: The additions enhance the design and utility of the single-family dwelling by integrating transitional areas between house and pool.

Land Use Policy 1.18: Single family detached homes shall be proportional to their lots: The expansion of the home into the rear portion of the lot, e.g., the large rear yard, integrates the home more fully with the available land area.

Land Use Policy 4.1: The following list of allowed uses for each Open Space designation is descriptive . . . [the] Hill Face Open Space . . . designation applies to all areas between the "Toe of the Hill" and the "Ridgeline" . . . Very low density residential use is allowed: The density for the neighborhood including this site is within the very low density range.

Land Use Policy 6.15: The City shall perform architectural review for any development in the Hill Area in order to insure consistency with the policies of the General Plan. In addition, all development on . . . the Hill Face shall be subject to discretionary review and must be approved by the Planning Commission: This analysis is performed in conformity with this policy.

Zoning Regulations: The provisions of this Planned District are as set forth for the R-1-20 zone. As applicable to the proposal, they include side and rear yard setback and height limits. In each case the application meets the appropriate development standard:

Side yard: Street side 12.5 feet, the total of both sides 25 feet. The side yard with respect to the northerly 210-square foot addition would be 20 feet. The side yard for the southerly 279-square foot addition would be 15.58 feet. The total of both sides is 35.58 feet.

Rear yard: 40 feet minimum. The rear yard will measure nearly 140 feet at the northerly sunroom's (the only one projecting into the rear yard) proximity to the rear lot line.

Building height: No principal structure shall exceed two and one-half stories or thirty feet in height. The height of the sunroom additions is nine feet at the maximum.

Section 8-21815(e) states that the proposed amendment to the Planned District be approved only if the public necessity, convenience, and general welfare require the same. These qualities are advanced for the public through application of the development standards above and those of the Hill Initiative of 2002 (in the "View Impacts" section below). The purpose of the R-1 district (to which development standards it must adhere) is "to stabilize and protect the residential characteristics of the district and to promote and encourage a suitable environment for family life" [Section 8-2600]. Residential characteristics are "stabilized and protected" by the requirement to meet development standards (which it does), which helps in the "promot[ion] and encourage[ment] of a suitable environment for family life."

Open Space/Landscaping: The property is thoroughly and lushly landscaped, especially in the rear yard. No plantings will be removed or disturbed through the implementation of this project.

Waste Management: The existing facilities serving this site are adequate.

DESIGN ANALYSIS:

Architecture: Solarium construction will install the "Eclipse" sunroom with curved glass front bays (facing toward the rear yard) at each location. The roof slopes upward from the mid-point radius of the bay at a ½-inch: 1 foot rise to its connection with the existing home. Sunroom "A" on the north will be accessed via a covered patio off the kitchen and family room. Sunroom "B" on the south will be likewise accessed via a patio off a bedroom.

View Impacts: The Hill Area Initiative of 2002 made changes in the General Plan with regard to view impacts in the Hill Area. Above the Toe of the Hill, which includes this site, room additions are assessed with regard to any detrimental impact (Section 12, Visual Safeguards): "To the extent practicable, structures shall be located, including by setbacks from parcel boundaries, on that part of a parcel . . . that minimizes visibility from public places." The southerly sunroom cannot be seen from any public place, as it does not extend southward any closer to the side property line than the existing dwelling. Only the northernmost connection of the northerly sunroom to the existing dwelling would be visible from a small part of Avalon Heights Terrace, the closest public viewing place, a street that also rises eastward, further reducing any additional vantage point from that direction. At a maximum of nine feet, the sunroom is significantly lower than the two-story home to which it would be attached. Thus, no detrimental view impact would occur through implementation of the project.

ENGINEERING ANALYSIS:

Urban Runoff Clean Water Program: The applicant will be required to conform to the City's Urban Runoff Clean Water Program requirements. This should be achievable, as the amount of impervious surface coverage will not be increased.

ENVIRONMENTAL ANALYSIS:

The proposed project has been reviewed under the California Environmental Quality Act (CEQA) Guidelines and has been found to be exempt under Section 15301(e)(1), additions to existing structures of less than 50% of the prior floor area, or 2,500 square feet, whichever is less.

Response from Agencies and Organizations: No responses have been received.

ENCLOSURES:	Exhibit "A"	Precise Site Plan, Floor Plans, Prototype elevation, Sunroom Elevations
	Exhibit "B"	Conditions
		The Hill Area Initiative of 2002; "Measure T"--informational
EXHIBITS:	Exhibit "A"	Precise Site Plan, Floor Plans, Prototype elevation, Sunroom Elevations

Recommended Actions:

1. Hold public hearing.
2. Find the initial study conducted for the project has evaluated the potential impacts that could cause an adverse effect, either individually or cumulatively, on wildlife resources, and that there is no evidence the project would have any potential for adverse effect thereon, and recommend the filing of a Certificate of Fee Exemption for the project.
3. Find that the proposed project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Housing, Land Use and Open Space Chapters as enumerated within the "General Plan Conformance" section of the staff report. The project conforms to the goals and policies as enumerated in the staff report.
4. Find that the public necessity, convenience and general welfare require the approval of the proposed Planned District Minor Amendment.
5. Approve PLN2004-00160, as shown on Exhibit "A", subject to conditions in Exhibit "B".

Exhibit "B"
Conditions of Approval for PLN2004-00160
Duong Sunrooms—Planned District Minor Amendment
3402 Malibu Terrace

CONDITIONS:

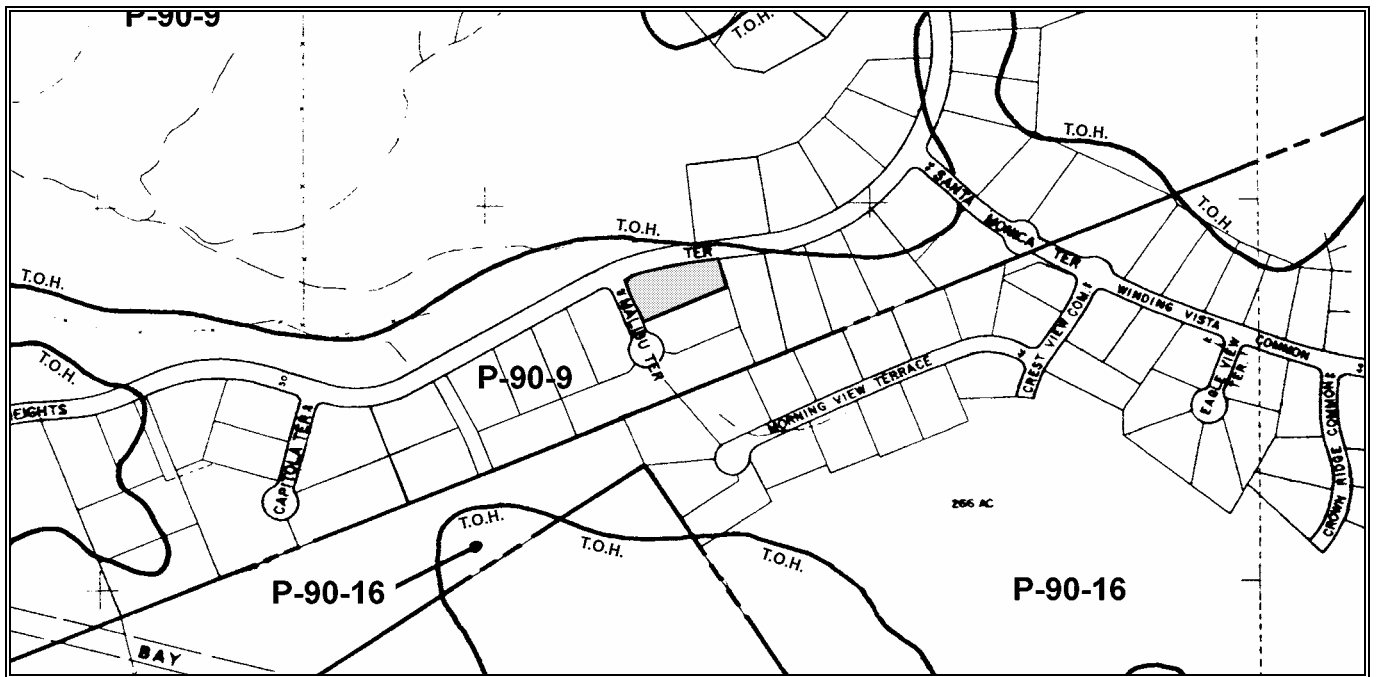
General Conditions:

- A-1 Approval of PLN2004-00160 shall conform to Exhibit "A" (Precise Site plan, Floor plans, and elevations) and all conditions of approval set forth herein.
- A-2 To reduce construction noise, all construction activities shall be limited to the following hours of operation:
- | | |
|-----------------|------------------|
| Monday – Friday | 7 a.m. to 7 p.m. |
| Saturday | 9 a.m. to 6 p.m. |
| Sunday | Not permitted |

Prior to Building Permit Issuance:

- B-1 Minor modifications to the approved building design, elevations, and colors may be made, subject to review and approval of the Community Development Director, or designee, if such modifications are in keeping with the architectural statement of the original approval. However, the Director may retain the authority to determine the level of review required, including that by the Planning Commission.
- B-2 The applicant shall submit a lighting plan and lighting specifications to the Development Organization for review and approval. Lighting shall be shielded and/or directed towards the site and away from surrounding properties. Proposed lighting must meet Security Ordinance requirements, and all lighting fixtures shall be compatible with the design and style of the main dwelling.
- B-3 The applicant is responsible for ensuring that all subcontractors are aware of storm water quality measures and that such measures that are applicable are implemented. Failure to comply with Best Management Practices shall result in the issuance of correction notices, citations, or stop work orders.
- B-4 The applicant shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
- B-5 The applicant shall install an automatic fire sprinkler system in the additions for fire suppression purposes. Waterflow and control valves must be monitored by a central alarm monitoring system. The monitoring system shall have a smoke detector placed over the fire panel, a pull station, and an audible device located in a normally occupied location.
- B-6 Plans, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate fire review fee is required. Standard required is N.F.P.A. 13.
- B-7 Fire Department connections for the sprinkler system must be located not more than 100 feet from a fire hydrant (N.F.P.A. 14). All inlets shall have Knox-type caps installed.

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

